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Rochester, NY 14604-1792
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RECEIVED

SEP 22 2015

ZONING OFFICE

September 21, 2015

VIA FEDERAL EXPRESS

Zoning Board of Appeals
Town of Clarence
One Town Place
Clarence, New York 14031

**RE: Upstate Cellular Network d/b/a Verizon Wireless' ("Verizon Wireless")
Application for Local Zoning Approvals to Add 50' to an Existing
Monopole for a Wireless Telephone Communications Facility in the Town
of Clarence, New York ("Dann & Transit" Cell)**

Dear Members of the Zoning Board of Appeals:

By application dated May 4, 2015 (the "**Application**"), Upstate Cellular Network d/b/a Verizon Wireless ("**Verizon Wireless**" or "**Applicant**") applied to the Town of Clarence (the "**Town**") for the necessary zoning approvals to construct and operate the above-referenced Project in the Town.

At the June 9, 2015 Zoning Board of Appeals meeting, the Applicant received questions and comments from the Zoning Board of Appeals and the public, together with a request from the Zoning Board of Appeals to submit supplemental application materials.

Accordingly, this booklet shall serve as Verizon Wireless' formal response to the request for additional information and is intended to supplement Verizon Wireless' May 4, 2015 Application.

To that end, the Applicant has enclosed the following exhibits/enclosures in response to the Town's request for additional information (lettered to follow **Exhibits A-N** submitted previously):

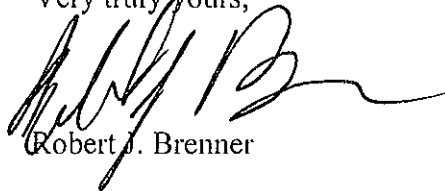
- Exhibit O:** Proof of Landowner consent to the Application;
- Exhibit P:** Structural certification letter (with wind speed documentation); and
- Exhibit Q:** Tower inspection report and corresponding maintenance letter.

Zoning Board of Appeals
September 21, 2015
Page 2

Please do not hesitate to contact me should you have any questions or require additional information.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RJB', with a long horizontal flourish extending to the right.

Robert J. Brenner

RJB/las
Enclosures

cc: Steven Bengart, Esq.
Robert W. Burgdorf, Esq.

0

SBA Site: NY13793-A-02 Clarence NW

Access Consent Form

I hereby consent to allow members of the Town of Clarence Zoning Board of Appeals to access my property (identified below) for the purpose of considering a request for variance.

Carl F. Be... member
Signature

8/28/15
Date

Address of Property:
7377 Transit Road
East Amherst, NY 14051

* -The Zoning Board of Appeals members may be visiting your premises during any reasonable hour of the day in order to better understand your request. Please follow the directions for preparing your property for inspection included in this packet.

7



July 29, 2015

Zoning Board of Appeals
Clarence Town Hall
Clarence, NY

RE: Verizon Wireless – Dann & Transit
70'/120' Monopole

To Whom It May Concern:

Telecommunication structures that are built in New York State are required to comply with the design considerations of the TIA/EIA-222-F code, *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, Steel design code, *AISC-ASD*, and the Concrete design code *ACI 318*. When structures are properly designed to these codes, the safety factors assure that catastrophic failures will not occur.

The wind specifications of the EIA-222 code are based on a 50 year recurrence interval for the design wind speed of 70 mph with no ice and 28 mph with 1" ice covering all exposed surfaces of the tower and antennas. In the unlikelyhood of an extreme wind event (hurricane wind speeds of greater than 100 mph) it is possible that a tower will be loaded to a point where a catastrophic failure could occur. This failure would occur on the tower at the point of highest stress. The subject tower has been designed with a "weak link" at 70ft and 100ft. Please see title page of certifying documents, "Analysis Results". By creating a relative weak point in the monopole structure, a potential failure mode can occur that will allow the pole to fall within a projected fall zone. In an extreme wind event, the pole would ultimately buckle causing a failure at one of the "weak link" points. The lower structure would remain standing with the upper pole portion hanging beside and thus not fall on adjacent property.

If you have any questions concerning this, please contact us.

Sincerely,

ARMOR TOWER, INC.

Patrick Botimer
Structural Design Engineer IV

PROJECT WIND EVALUATION

Project Name: Verizon Wireless - Dann & Transit Rds.

Project No.: 5524.00

Project Manager: Brian Murray

Client: Verizon

Last Update: 6/22/2015

Source: KBUF Weather History taken from Weather Underground

Row Labels	Values		
	Max of Max Wind SpeedMPH	Average of Max Wind SpeedMPH	Average of Mean Wind SpeedMPH
2005	59	19	9
Jan	34	17	10
Feb	26	15	8
Mar	31	17	9
Apr	30	18	10
May	28	19	9
Jun	28	18	9
Jul	29	18	8
Aug	35	18	8
Sep	59	19	9
Oct	35	17	9
Nov	41	26	13
Dec	38	21	11
2006	48	19	10
Jan	39	22	12
Feb	44	25	13
Mar	38	18	10
Apr	30	17	9
May	28	17	9
Jun	23	16	8
Jul	26	18	9
Aug	29	17	8
Sep	32	19	9
Oct	35	21	11
Nov	33	16	8
Dec	48	25	14
2007	49	21	10
Jan	37	22	12
Feb	38	25	14
Mar	33	22	12
Apr	36	23	12
May	31	18	9
Jun	38	19	9
Jul	31	18	8
Aug	37	19	9
Sep	38	18	8

PROJECT WIND EVALUATION

Project Name: Verizon Wireless - Dann & Transit Rds.

Project No.: 5524.00

Project Manager: Brian Murray

Client: Verizon

Last Update: 6/22/2015

Source: KBUF Weather History taken from Weather Underground

Row Labels	Values		
	Max of Max Wind SpeedMPH	Average of Max Wind SpeedMPH	Average of Mean Wind SpeedMPH
Oct	35	20	10
Nov	49	22	11
Dec	46	22	11
2008	53	21	10
Jan	49	24	13
Feb	37	23	12
Mar	35	21	11
Apr	38	20	10
May	38	21	10
Jun	37	22	10
Jul	30	20	9
Aug	30	17	8
Sep	43	16	8
Oct	39	20	9
Nov	30	19	9
Dec	53	26	14
2009	43	20	9
Jan	35	22	12
Feb	41	22	12
Mar	35	20	10
Apr	38	24	13
May	40	22	10
Jun	35	17	7
Jul	29	19	8
Aug	37	18	8
Sep	40	16	7
Oct	38	20	9
Nov	28	17	7
Dec	43	20	10
2010	46	19	9
Jan	32	20	11
Feb	26	18	9
Mar	31	18	10
Apr	37	21	10
May	46	21	9
Jun	36	20	9

PROJECT WIND EVALUATION

Project Name: Verizon Wireless - Dann & Transit Rds.

Project No.: 5524.00

Project Manager: Brian Murray

Client: Verizon

Last Update: 6/22/2015

Source: KBUF Weather History taken from Weather Underground

Row Labels	Values		
	Max of Max Wind SpeedMPH	Average of Max Wind SpeedMPH	Average of Mean Wind SpeedMPH
Jul	31	18	8
Aug	30	18	8
Sep	33	21	10
Oct	37	21	9
Nov	38	19	9
Dec	31	19	11
2011	46	20	9
Jan	30	17	9
Feb	40	23	12
Mar	37	20	10
Apr	46	24	11
May	32	19	9
Jun	41	20	9
Jul	33	18	8
Aug	29	18	8
Sep	33	18	8
Oct	35	18	8
Nov	39	23	11
Dec	35	21	10
2012	45	20	9
Jan	45	25	12
Feb	41	23	11
Mar	45	22	11
Apr	36	21	9
May	29	18	8
Jun	30	20	10
Jul	36	19	8
Aug	36	18	8
Sep	43	19	7
Oct	37	21	9
Nov	36	17	8
Dec	31	20	10
2013	46	20	10
Jan	41	23	12
Feb	39	21	11
Mar	30	21	11

PROJECT WIND EVALUATION

Project Name: Verizon Wireless - Dann & Transit Rds.

Project No.: 5524.00

Project Manager: Brian Murray

Client: Verizon

Last Update: 6/22/2015

Source: KBUF Weather History taken from Weather Underground

Row Labels	Values		
	Max of Max Wind SpeedMPH	Average of Max Wind SpeedMPH	Average of Mean Wind SpeedMPH
Apr	38	24	12
May	39	20	9
Jun	32	19	8
Jul	32	17	8
Aug	29	18	8
Sep	31	17	7
Oct	32	19	9
Nov	46	24	12
Dec	35	22	11
2014	46	21	10
Jan	46	25	13
Feb	39	22	11
Mar	36	22	11
Apr	37	23	11
May	33	21	10
Jun	26	18	8
Jul	40	20	9
Aug	28	17	8
Sep	33	19	8
Oct	35	21	10
Nov	38	23	12
Dec	44	20	10
2015	40	22	11
Jan	40	24	13
Feb	31	21	11
Mar	36	21	11
Apr	40	22	11
May	31	21	10
Jun	33	19	9
Grand Total	59	20	10



6521 Meridien Drive
Raleigh, NC 27616
919-755-1012
www.FDH-inc.com

TIA Inspection Report

Site Name:

Clarence NW

Site #:

NY13793-A

Prepared for: SBA Network Services, Inc.

Date on Site: October 19, 2014

Date Completed: October 29, 2014

FDH Job Numbers: 146F5K1800

Project Manager: Joshua H. Walton, EI

Team Leader: Bryce D. Pate

Team Member: Christopher T. Flowers

Team Member: Eric E. Badger

BDP

MJB

**TIA INSPECTION REPORT**

Site Name: Clarence NW

Site #: NY13793-A

Date on Site: October 19, 2014

SBA Network Services, Inc.
Tracy Gilbert
5900 Broken Sound Parkway, NW
Boca Raton, FL 33487

Ref: TIA-222-G (Annex J) Inspection of Site #**NY13793-A**

Dear Tracy Gilbert:

As you requested, FDH has completed an inspection of the above referenced tower. Our inspection was conducted according to TIA-222-G Annex J.1: Maintenance and Condition Assessment. The tower is in overall good condition. See the following list of issues and recommendations, as well as our attached punch list for details.

- A1 AT&T has cut a small hole in top of monopole for coax and ground cable. Recommend notifying AT&T to reroute coax and ground and repair or reinforce hole.
- B1/B2 Scrapes and scratches with minor rust throughout the tower. Recommend removing rust and treating with cold galvanization.
- D1/D3 No lightning rod installed on tower. Recommend installing lightning rod per TIA standards.
- I2c/B2 Base bolts do not extend to top of locking nuts, creating low spot for water collection, and rust formed on inside of nuts. Recommend removing rust, treating with cold galvanization, and filling gap to top of locking nut with silicon to prevent water collection.

We appreciate the opportunity to perform this inspection for SBA Network Services, Inc.

Please feel free to contact me if you have any questions.

Sincerely,

Joshua H. Walton, EI
Project Manager

**TIA INSPECTION REPORT**

Site Name: Clarence NW

Site #: NY13793-A

Date on Site: October 19, 2014

TOWER INFORMATION

Tower Type: Monopole

Location: Clarence, NY

FCC#: Not Posted

Site Sign Posted: Yes

Tower Manufacturer: Rohn

Tower Model: 70 FT. Tapered Pole

Tower AGL (ft): 71.0

Total AGL (ft): 76.8

Measuring Tool Used: Laser

Lighting Manf: No Lighting on Tower

Lighting Type: No Lighting on Tower

Lighting Model #: No Lighting on Tower

Lighting Sys Serial: No Lighting on Tower

Lighting Height Info: No Lighting on Tower

Latitude: N 43.05071°

Longitude: W 78.69497°

Tower Painted: No

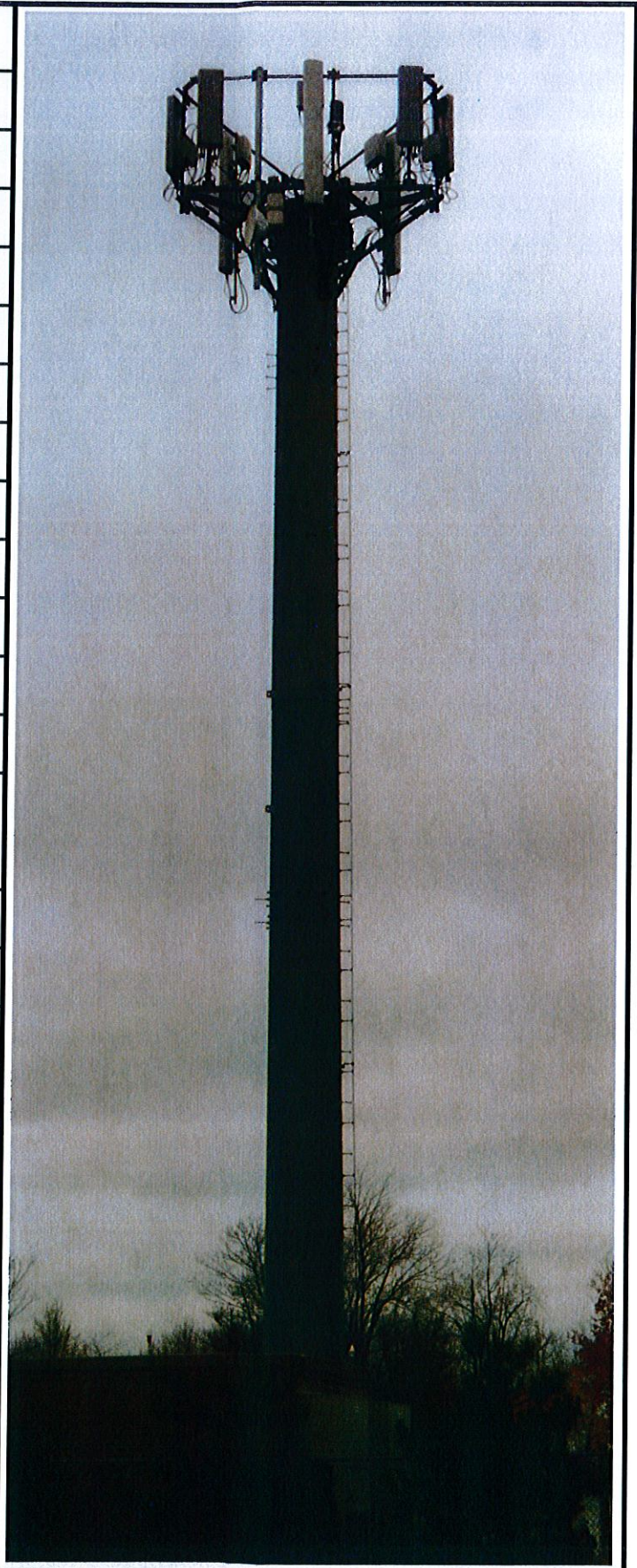
Tower Galvanized: Yes

Carrier Activity: Online

Temperature (°F): 40

Wind Speed & Direction: 0 - 5 MPH NNE

Meter Numbers: 05 296 193 - Cingular





TIA-222-G ANNEX J.1 Maintenance and Condition Assessment

No Problems Noted
Problems Noted
Not Applicable

A. Structure Condition		
	✓	1. Damaged members (legs & bracing)
✓		2. Loose members
✓		3. Missing members
✓		4. Climbing facilities, platforms, catwalks - all secure
✓		5. Loose and/or missing bolts and/or nut locking devices
✓		6. Visible cracks in welded connections
✓		7. Pole flange and base plate cracks visible in base metal or at ends of plate stiffeners
✓		8. Record temperature, wind speed and wind direction, and other environmental conditions
B. Finish		
	✓	1. Paint and/or galvanization condition
	✓	2. Rust and/or corrosion condition including mounts and accessories
		✓ 3. FAA or ICAO color marking conditions
✓		4. Water collection in members
C. Lighting		
		✓ 1. Conduit, junction boxes, and fasteners (weather tight and secure):
		✓ 2. Drain and vents openings (unobstructed)
		✓ 3. Wiring condition
		✓ 4. Light lenses
		✓ 5. Bulb condition
		✓ 6. a) Controllers (functioning) - Flasher
		✓ 6. b) Controllers (functioning) - Photo control
		✓ 6. c) Controllers (functioning) - Alarms
D. Grounding		
	✓	1. Connections
✓		2. Corrosion
	✓	3. Lightning protection secure (secured to structure)
E. Antennas and Lines		
✓		1. Antenna condition
✓		2. Mount and/or ice shield condition (bent, loose, and/or missing members)
✓		3. Feed line condition (flanges, seals, dents, jacket damage, grounding, etc.)
✓		4. Hanger condition (snap-ins, bolt on, kellum grips, etc.)
✓		5. Secured to structure
F. Other Appurtenances (walkways, platforms, sensors, floodlights, etc.):		
✓		1. Condition
✓		2. Secured to structure



TIA-222-G ANNEX J.1 Maintenance and Condition Assessment

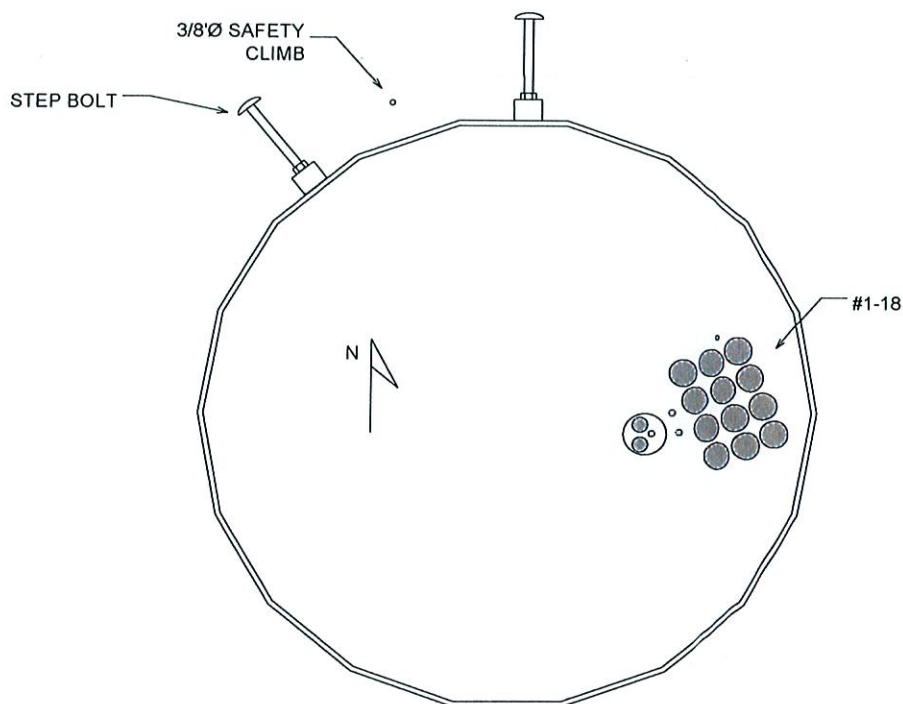
No Problems Noted

Problems Noted

Not Applicable

G. Insulator		
		✓ 1. Cracking and chipping
		✓ 2. Cleanliness of insulators
		✓ 3. Spark gaps set properly
		✓ 4. Isolation transformer condition
		✓ 5. Bolts and connections secure
H. Guys		
		✓ 1. Strand condition (corrosion, breaks, kinks, etc.)
		✓ 2. a) Guy Hardware Conditions - Turnbuckles or equivalent (secure and safety properly applied)
		✓ 2. b) Guy Hardware Conditions - Cable thimbles properly in place (if required)
		✓ 2. c) Guy Hardware Conditions - Service sleeves (ice clips) properly in place (if required)
		✓ 2. d) (i) Guy Cable Connectors - Cable clamps applied properly and bolts tight
		✓ 2. d) (ii) Guy Cable Connectors - Wire serving properly applied
		✓ 2. d) (iii) Guy Cable Connectors - No signs of slippage or damaged strands
		✓ 2. d) (iv) Guy Cable Connectors - Preformed wraps - properly applied and fully wrapped
		✓ 2. d) (v) Guy Cable Connectors - Poured sockets secure and showing no separation
		✓ 2. d) (vi) Guy Cable Connectors - Shackles, bolts, pins and cotter pins secure & good condition
		✓ 3. Guy Tensions
		✓ 4. Measure guy tensions (per Annex K)
		✓ 5. Record temperature, wind speed and wind direction
I. Concrete Foundations		
✓		1. a) Ground condition - Settlement, movement or earth cracks
✓		1. b) Ground condition - Erosion
✓		1. c) Ground condition - Site condition (standing water, drainage, trees, etc.)
✓		2. a) Anchorage condition - Nuts and/or nut locking device (tightened)
		✓ 2. b) Anchorage condition - Grout condition
	✓	2. c) Anchorage condition - Anchorages and/or anchor rod condition
✓		3. a) Concrete condition - Cracking, spalling, or splitting
✓		3. b) Concrete condition - Chipped or broken concrete
✓		3. c) Concrete condition - Honeycombing
✓		3. d) Concrete condition - Low spots to collect moisture
J. Guyed mast Anchors		
		✓ 1. Settlement, movement or earth cracks
		✓ 2. Backfill heaped over concrete for water shedding
		✓ 3. Anchor rod condition below earth
		✓ 4. Corrosion control measures (galvanizing, coating, encasement, cathodic protection, etc.)
		✓ 5. Anchor heads clear of earth
K. Structure Alignment		
✓		1. Structure Plumb and Twist

COAX MAP

[illegible]

APPURTENANCES

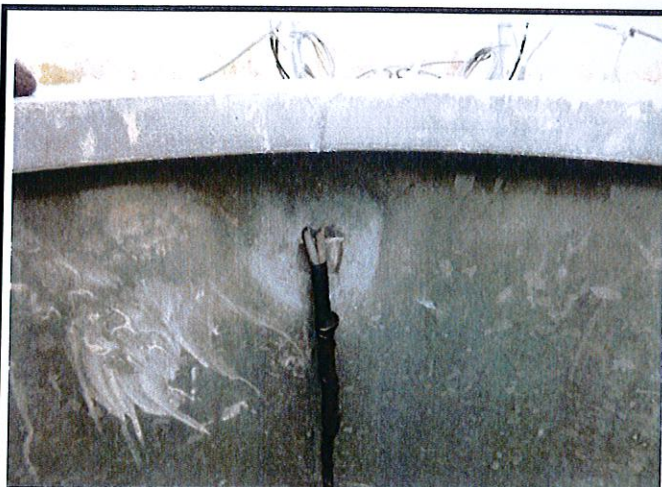
Antenna elevations are measured from mid-rad on all antennas.

Elevation on mounts are measured to the mid-elevation of the point where the mount attaches to the tower.

Antennas are listed from highest mounted position to lowest mounted position on tower.

[illegible]

Punchlist 1

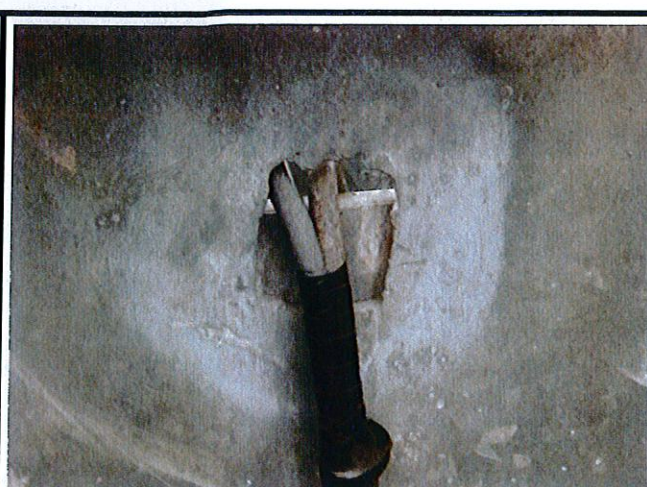


Observation

A1 - AT&T has cut a small hole in top of monopole for coax and ground cable.

Recommendation

Recommend notifying AT&T to reroute coax and ground and repair or reinforce hole.

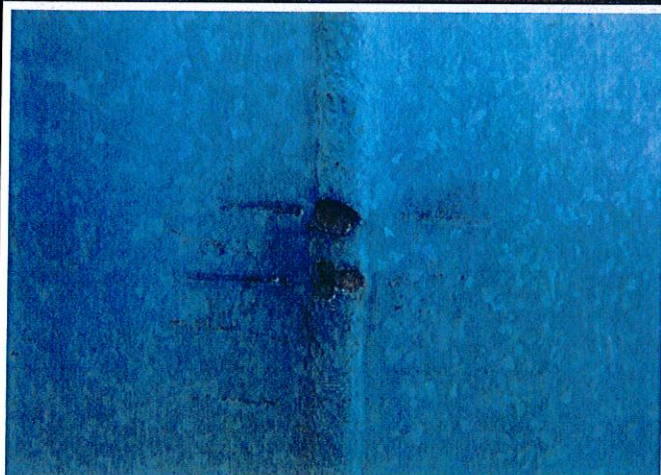


Observation

A1 - AT&T has cut a small hole in top of monopole for coax and ground cable.

Recommendation

Recommend notifying AT&T to reroute coax and ground and repair or reinforce hole.



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.

Punchlist 2



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



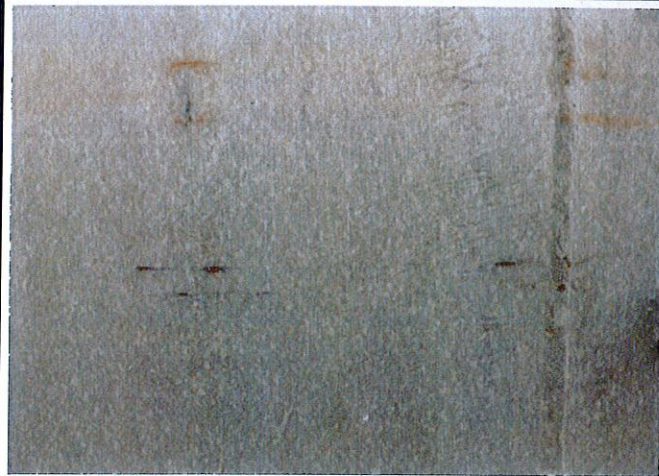
Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.

Punchlist 3



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



Observation

B1/B2 - Scrapes and scratches with minor rust throughout the tower.

Recommendation

Recommend removing rust and treating with cold galvanization.



Observation

D1/D3 - No lightning rod installed on tower.

Recommendation

Recommend installing lightning rod per TIA standards.



Observation

I2c/B2 - Base bolts do not extend to top of locking nuts, creating low spot for water collection, and rust formed on inside of nuts.

Recommendation

Recommend removing rust, treating with cold galvanization, and filling gap to top of locking nut with silicon to prevent water collection.

Punchlist 4



Observation

I2c/B2 - Base bolts do not extend to top of locking nuts, creating low spot for water collection; rust formed on inside of nuts.

Recommendation

Recommend removing rust, treating with cold galvanization, and filling gap to top of locking nut with silicon to prevent water collection.



Observation

I2c/B2 - Base bolts do not extend to top of locking nuts, creating low spot for water collection; rust formed on inside of nuts.

Recommendation

Recommend removing rust, treating with cold galvanization, and filling gap to top of locking nut with silicon to prevent water collection.



Observation

I2c/B2 - Base bolts do not extend to top of locking nuts, creating low spot for water collection; rust formed on inside of nuts.

Recommendation

Recommend removing rust, treating with cold galvanization, and filling gap to top of locking nut with silicon to prevent water collection.

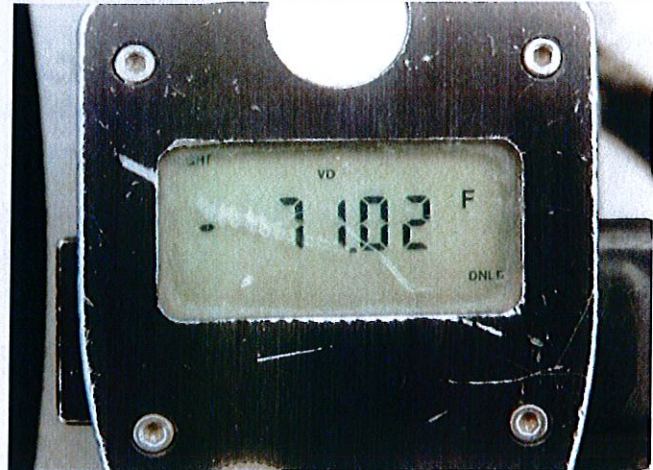
Observation

Recommendation

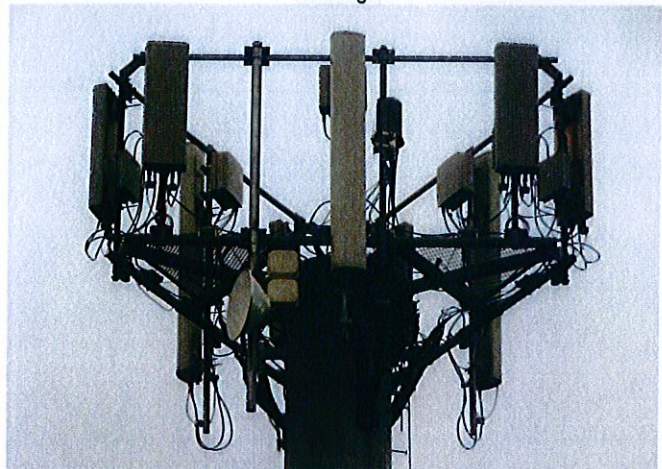
PHOTOS 1



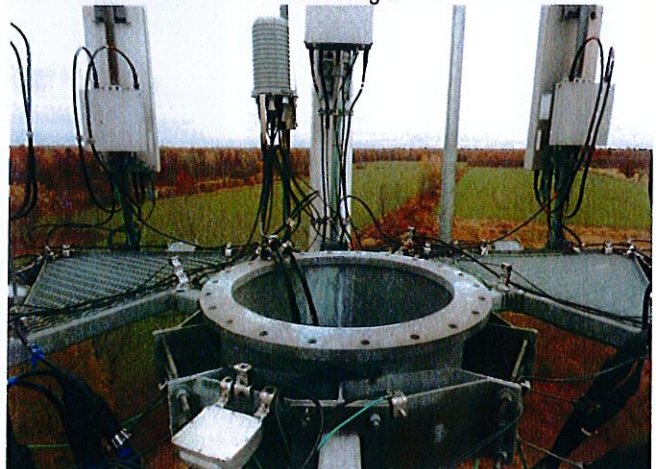
Site Sign



Tower Height



Top of Tower 1



Top of Tower 2



Compound 1



Compound 2



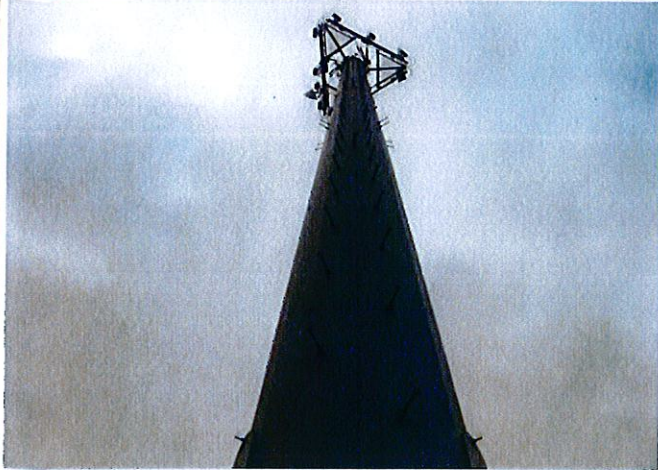
TIA INSPECTION REPORT

Site Name: Clarence NW

Site #: NY13793-A

Date on Site: October 19, 2014

PHOTOS 2



View up tower



View up tower




Tower Base



Access Drive (From Compound)



Tower Tag

		Monopole Alignment			October 19, 2014		
Site:		Clarence NW		Site ID:		NY13793-A	
Calculated Plumb				Within EIA/TIA			
Mast Elev. (ft)	r total (in)	r relative (in)	Total Plumb	Relative Plumb	Total Allowable	Relative Allowable	
4.50	0.00	0.00	Taken from Azimuth: 275				
46.37	2.43	2.43	OK	OK	2.78	2.51	
73.34	4.04	1.61	OK	OK	4.40	1.62	

Calculated Plumb			Within EIA/TIA			
Mast Elev. (ft)	r total (in)	r relative (in)	Total Plumb	Relative Plumb	Total Allowable	Relative Allowable
4.50	0.00	0.00	Taken from Azimuth: 185			
46.06	0.51	0.51	OK	OK	2.76	2.49
72.63	0.82	0.31	OK	OK	4.36	1.59



222 S. Central Avenue
Suite 1110
St. Louis, MO 63105
(314) 773-4000 p
(314) 773-4002 f

Thursday, August 20, 2015

Tim Rosa
Area Operations Director
SBA Communications
5900 Broken Sound Parkway NW,
Boca Raton, FL 33487

Maintenance Completion Report

Designation:	Site Identification Number:	NY13793-A
	Site Name:	Clarence NW
FDH, Inc. Designation:	Project Number:	15BVRB1825
	TIA Number:	146F5K1800
Site Data:	7377 Transitt Rd. Clarence, NY 14031	
Tower Type:	Monopole (70')	
Latitude:	43.0504°	
Longitude:	-78.695°	

FDH Velocitel is pleased to submit this Maintenance Completion Report (MCR) to SBA for the work requested to be performed at site NY13793-A (Clarence NW). The purpose of this report is to confirm that the scope of work listed in Table 1.1 (Scope of Work Performed) was performed in accordance with the contract documents included in Table 1.0 (General Information).

Table 1.0 – General Information

Document(s)	Remarks	Source
SBA Purchase Order Number	121684	SBA
FDH TIA Inspection Report	146F5K1800	FDH

Enclosed within this report is documentation including construction photographs and plumb and tension data (if applicable) associated with this project for your review and approval. Please see the following Table 1.1 (Scope of Work Performed) and Table 1.2 (Documentation of SOW) for additional information.

FDHV appreciates the opportunity to provide SBA Communications with our professional services. If you have any questions or require further assistance, please feel free to call me at (314) 773-4000.

Regards,

Charley Noland
M&R Project Manager
FDH Velocitel

Table 1.1 – Scope of Work (SOW) Performed

Per SBA's request the following work was performed.

- Repair hole at top of tower at mount after carrier coax and ground are re-routed.
- Remove rust and treat with cold galvanization compound throughout tower.
- Apply 100% silicone to tops of base bolts to prevent standing water.
- Install lightning rod on tower.

Table 1.2 – Documentation of SOW

PH#01 – Site Sign 	PH#02 – Wires routed through hole in tower 	PH#03 – Wires re-routed and hole prepped for repair 	PH#04 – 4"x4"x3/8" A36 steel plate welded over hole 
PH#05 – Cold galvanization compound applied over repair 	PH#06 – Rust and scrapes present on tower 	PH#07 – Rust removed and treated with cold galvanization compound 	PH#08 – Rust removed and treated with cold galvanization compound 
PH#09 – Base bolts cleaned and prepped for silicone 	PH#10 – 100% silicone applied to prevent standing water on base bolts 	PH#11 – No lightning rod on tower 	PH#12 – Lightning rod installed on tower 

Cingular Wireless requests a Special Exception Use Permit for construction of a new telecommunications tower at 7377 Transit Road. James Callahan said the property is located on the east side of Transit Road between Lapp and Wolcott consisting of approximately 2 acres in the Major Arterial Zone. The Master Plan identifies this area in the commercial classification. The site plan review and approval is required by the Planning Board.

Mark O'Connor, representative said it is in their best interest to find the proper site prior to the review process. The height of the proposed tower is 95 ft. and will be less obtrusive than a taller tower. He attempted to stay away from more residential areas. Councilman Kolber asked if this will be a collocation tower? Mr. O'Connor said usually they would require a higher tower for collocation.

1B
9-8
2004
Motion by Councilman McPherson, seconded by Councilman Kolber to refer the request by Cingular Wireless for a Special Exception Use Permit for construction of a new telecommunications tower at 7377 Transit Road to the Planning Board. On the question, Councilman Bylewski asked if this project is in compliance with the Master Plan? James Callahan said it is as long as it complies with the Satellite, Antenna and Tower Law. Councilman Bylewski said he would like to know the distance the pictures were taken in the photosynthesis of the proposed tower. He would like to see a propagation study for the other cellular providers in this area. There were various heights listed throughout the document submitted. Mr. O'Connor said that is probably a typo. Councilman Bylewski said this tower is capable of being broken down every 50 ft. Mr. O'Connor said that is correct. Councilman Bylewski asked how the merger with AT&T Wireless would affect this cell site location. Mr. O'Connor said that still has not closed. Supervisor Hallock said these items will be addressed in the review process by the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

ITEM II
Cingular Wireless
Major Arterial/Agricultural

REQUESTS SPECIAL EXCEPTION USE PERMIT AND
SITE PLAN APPROVAL FOR TELECOMMUNICATION
TOWER LOCATED AT 7377 TRANSIT ROAD.

DISCUSSION:

*PB
9-29-2004*

Jim Callahan described the project on the east side of Transit Road between Lapp Road and Wolcott Road. It consists of approximately 2 acres in the Major Arterial and Agricultural zones. It is currently home to Kitchen Advantage, and the applicant is seeking site plan approval from the Planning Board,

as well as a Special Exception Use permit for construction of a 95 foot telecommunications tower. The Town Board has referred this project, and this is the initial presentation to the full Planning Board. Gary Ferrara of SBA represented Cingular Wireless. They would like to improve coverage along Transit Road. We understand it is in a flood zone, and there are other approvals that will be necessary. Pat Powers asked Mr. Ferrara the total height with the antennas. The antennas are 4 feet above the 95 foot tower. Pat said "If the tower is that high you will need a one hundred foot free fall zone, do you have enough room to do that on that piece of property?" Mr. Ferrara said "The lot is only 150 feet wide. The tower is in the center of the lot, with a break point of 50 feet. So, if it was to fail, it would collapse upon itself." Pat told Mr. Ferrara that the Planning Board has insisted that all the other towers in town meet this free fall zone requirement. Roy McCready suggested getting an easement from the adjacent property owners to meet the requirement. Mr. Ferrara asked if he could take this to the Zoning Board of Appeals for a variance. After much discussion it was decided that the project would be denied due to the height reasons only.

PB
9-29-2004

ACTION:

Motion by Tim Pazda, seconded by Jeff Grenzebach to deny this project due to the height reasons only.

On the Question?

Wendy Salvati asked about the merger with AT&T. Mr. Ferrara said AT&T co-exists on several of their towers. Jeff Grenzebach asked how many carriers they could have on this tower? Mr. Ferrara said about four depending on the height they would need. Some can actually be as low as 45 feet, it depends on the system, the terrain etc.

George Van Nest	AYE
Tim Pazda	AYE
Roy McCready	AYE
Patricia Powers	AYE
Jeff Grenzebach	AYE
Joe Floss	ABSTAINED Kitchen Advantage is a client
Wendy Salvati	AYE.

MOTION CARRIED.

APPEAL NO V
Gary Ferrara - SBA
Major Arterial/Agricultural

Requests the Board of Appeals approve and grant a twenty five foot (25') variance creating a seventy five foot (75') setback line from a one hundred foot (100') high cellular tower to the side and rear property lines at 7377 Transit Road. (Behind Kitchen Advantage).

DISCUSSION:

BOA
10-12-2004

James Perrello substituted for Gary Ferrara who wasn't able to be here this evening. The required fall zone is short by 25 feet of the necessary 100 feet. Ron Newton stated there are no neighbor notification forms in the file stating the neighbors were informed of this meeting. That is also a requirement for a variance. Mr. Perrello said it was not brought to their attention that notice had to be made, and suggested tabling the item until he has time to notify the neighbors. Ray Skaine asked Mr. Perrello if they had contacted the neighbors to the north and the east to try and buy the necessary additional property. Mr. Perrello was not aware of that fact. John Gatti said this item should be tabled, because Mr. Perrello is just substituting for Mr. Ferrara and is not familiar with the whole situation. Arthur Henning asked who the people in the room were, and did they have anything to add. Attorney Sean Hopkins said he represents two other adjacent land owners, and would like a minute of the boards time. His clients own the property to the north and to the south as well as to the east. This carrier previously had a deal with our clients. For some reason they don't know of, that deal fell apart. And now they are seeking a variance from this board to build a cell tower on adjacent property. Our problem with that is that it doesn't comply with the zoning code. This is governed by the telecommunications act of 1996, however, it does not take away this boards authority to rule on area or use variances regarding telecommunications facilities. It is our position that if you look at the five criteria, it is clear that the detriments outweigh the benefits. For one it is a self created hardship, there is absolutely no way they can locate this telecommunications facility on this site and comply with the zoning code. The variance is

BOA
10-12-2004

BoA
10-12-2004

for 25 feet which is substantial, it is a 25% deviation. The reason there is a 100 foot requirement is because it is a 100 foot tower. There is a hypothetical break point of fifty feet, I don't think there could be a guarantee that it would never fall on the adjoining property. Then there is aesthetics. My clients plan on developing this land in the future, and do not want this tower 75 feet away from their property. Is there any other method that can be used to comply with the zoning code? I don't think there is. Our position is that this carrier should be dealing with us, and should try and resurrect the deal to construct it on our property in the Town of Amherst, where it would clearly comply. What we were previously showing was a location where it would be at least 105 feet from the property lines on all four sides. We really don't know what happened, but we would like the opportunity to discuss this with the

Page 2004-54

BoA
10-12-2004

carrier. We would like you to consider this evidence before making any decision regarding this variance. Ron Newton said based on the fact that the notification was not made, and access wasn't really granted for the board to go out and review this site, so I will ask for a motion to table.

ACTION:

Motion by John Gatti, seconded by Raymond Skaine to table this item until the next meeting unless it is settled by then.

ALL VOTING AYE. MOTION CARRIED.

Agenda Item III – Cingular Telecommunications Tower - 7377 Transit Road

The Cingular representatives are currently applying for a zoning variance to see if this site will be acceptable. This may not come back to the board, but the Town should seek Lead Agency in the event it does.

ACTION: Motion by Matt Balling, seconded by John Moulin, that the board recommend that the Town Board seek lead agency on this proposed unlisted action.

VOTING: Ayes: Sgamma, Balling, McNamara, Depowski, Moulin, Michnik
Absent: Shear MOTION PASSED

REC
10-18-
2004

Motion by Councilman Bylewski, seconded by Councilman Weiss that upon recommendation of the Municipal Review Committee and pursuant to Article 8 of the Environmental Conservation Law, the Town Board seeks Lead Agency and will commence a coordinated review for the proposed SBA Telecommunications Tower located at 7377 Transit Road. This Unlisted Action involves the construction of a 95' tall telecommunications tower in the Major Arterial Zone. Upon roll call – Ayes: All; Noes: None. Motion carried.

TB
10-27-
2004

Motion by Councilman Bylewski, seconded by Councilman McPherson that upon recommendation by the Municipal Review Committee and pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is issued on the proposed SBA Telecommunications Tower. This Unlisted Action involves the erection of a 70' telecommunications tower at 7377 Transit Road. After thorough review of the submitted site plan and Environmental Assessment Form, it is determined that the proposed project must meet all Town Land Use Regulations and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

TB
12-15-
2004

ITEM VI

Gary Ferrara

Major Arterial/Agricultural

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR
THE CONSTRUCTION OF A SEVENTY FOOT (70')
TELECOMMUNICATIONS TOWER AT 7377 TRANSIT
ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the proposed tower which is located in the Major Arterial zone on the east side of Transit between Lapp and Wolcott behind the Kitchen Advantage store. The tower is subject to a Special Exception Use permit. This project was introduced to the Town Board on September 8, 2004 as a 90 foot tower, and was referred to the Planning Board. The Planning Board initially denied the site plan approval due to the failure to meet required setbacks. The applicant applied to the Zoning Board of Appeals for a variance, which was tabled pending negotiations with the adjoining landowners. The applicant has subsequently re-submitted a site plan for a seventy foot tower which meets all required setbacks, and is here for consideration of site plan approval, and a recommendation for a Special Exception Use permit. A negative declaration under SEQR was issued by the Town Board on December 15, 2004. Joe Floss recused himself from this item, because Kitchen Advantage is one of his clients. Gary Ferrara represents Cingular Wireless on this project. They have decided to stay with this site, and lower the height of the tower to seventy feet. They are proposing a tower base capable of an extension to make it higher, if the Town wants, because the Town Code requires towers to be constructed for multiple carriers. They are not proposing a

Page 2005-9

tower higher than seventy feet, additional carriers can go below 70 feet. The likelihood of that decreases because Cingular is at the top at 70 feet. If at some time in the future, another carrier would like to use this site, and needs a higher height, they could go through the variance process if the tower has the capability for additional height. There is another carrier that is interested. Roy McCready said he has looked at the landscape plan and scotch pines are not recommended for this area, and the spacing is not noted on the plan. Pat Powers thanked Mr. Ferrara for the photographs he provided to members of the board, and she is not in favor of disguising the tower as a pine tree. Christine asked what the height of the proposed extension of the tower is. Mr. Ferrara said it could be extended to 110 feet. If it ever exceeds the present 73 feet, it will have to go before the Zoning Board of Appeals for a variance.

PB
1-12-2005

PB
1-12-2005

ACTION:

Motion by Christine Schneegold, seconded by Jeff Grenzebach to approve the site plan and recommend it to the Town Board for the construction of a 70 foot telecommunications tower at 7377 Transit Road.

1. The tower is to be enclosed by a fence no less than 8 feet high to include any anchors that may be required.
2. Screening approved by the Landscaping Committee, and an approved landscape plan prior to being placed on the Town Board agenda.
3. An inspection every two years by a licensed professional Engineer.
4. No lighting on the tower unless it is required by the FAA.
5. Demolition bond for removal of the tower. Bond must remain in force for the life of the tower. This will be approved by the Town Board, must not be less than \$20,000.
6. The tower maximum height at this point is to be 73 feet including the lightning rod.
7. That the sub base be designed to accommodate future expansion if necessary.

ALL VOTING AYE. MOTION CARRIED.

Joseph Floss did not vote on this item.

ACTION:

Motion by Tim Pazda, seconded by Jeff Grenzebach to recommend a Special Exception Use permit to the Town

Page 2005-10

Board with the same conditions placed on site plan approval (above) shall hold on this permit as well.

ALL VOTING AYE. MOTION CARRIED.

Joseph Floss did not vote on this item.

Motion by Supervisor Hallock, seconded by Councilman Bylewski to set a Public Hearing for March 9, 2005 at 7:55 P.M. to consider the request for a Special Exception Use Permit to erect a 70 ft. telecommunications tower at 7377 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

TB
2-9-
2005

PB
1-12-2005

TB
3-9-
2005

A Public Hearing was held to consider a Special Exception Use Permit to erect a 70 ft. Telecommunications tower at 7377 Transit Road. James Callahan said the location is the east side of Transit between Lapp and Wolcott in the Major Arterial Zone. The Master Plan identifies the area in a Commercial classification. The Planning Board forwarded site plan approval with recommendations.

Councilman Bylewski said the tower, even at 70 ft. will be effectively hidden with the existing tree line in the area.

Supervisor Hallock asked the representatives for the project if they are aware and in agreement with the conditions and they said yes.

With no one else speaking to the subject, motion was made by Supervisor Hallock, seconded by Councilman Bylewski to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hallock to adopt the following resolution:

Resolved, that the Clarence Town Board grants a Special Exception Use Permit to SBA Network Services and Cingular Wireless to erect a 70 ft. Telecommunications tower at 7377 Transit Road subject to the following condition:

1. The tower must be enclosed by a fence no less than 8' high to enclose any anchors, guys, etc.
2. Screening approved by the Landscape Committee via an approved Landscape Plan (completed).
3. An inspection every 2 years by a licensed professional engineer.
4. No lighting on the tower, except as required by the Federal Aeronautics Administration.
5. A demolition bond for removal of the tower must remain in force for the life of the tower in an amount approved by the Town board not less than \$20,000.00.
6. The tower maximum height is to be 73' including the lightning rod.
7. The sub-base shall be designed to accommodate future expansions, if necessary.

Upon roll call – Ayes: All; Noes: None. Motion carried.

**REQUEST FOR
ACTION BY:
TOWN OF CLARENCE, N.Y.**

☒ Appeal Board
☐ Planning Board
☐ Town Board

☒ Appeal
☐ Rezone
☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Jonathan Bleuer

Date September 14, 2015

Action Desired Applicant requests a variance of:

A) 1,430 sq. ft. to allow for a 1,630 sq. ft. detached accessory structure
B) 10.5' to allow for a 26.5' tall detached accessory structure located at
9312 Emerald Lane in the Residential Single-Family zone.

Reason Town Code Reference:

§229-55 (H)

§229-55 (E) (2)

PLEASE PRINT

Name	<u>Angelo Natale</u>		
Address	<u>9312 Emerald Lane</u>		
	<u>Clarence</u>	<u>NY</u>	<u>14032</u>
Town/City		State	Zip
Phone	<u>907-4663</u>		
Signed	<u>SIGNATURE ON FILE</u>		

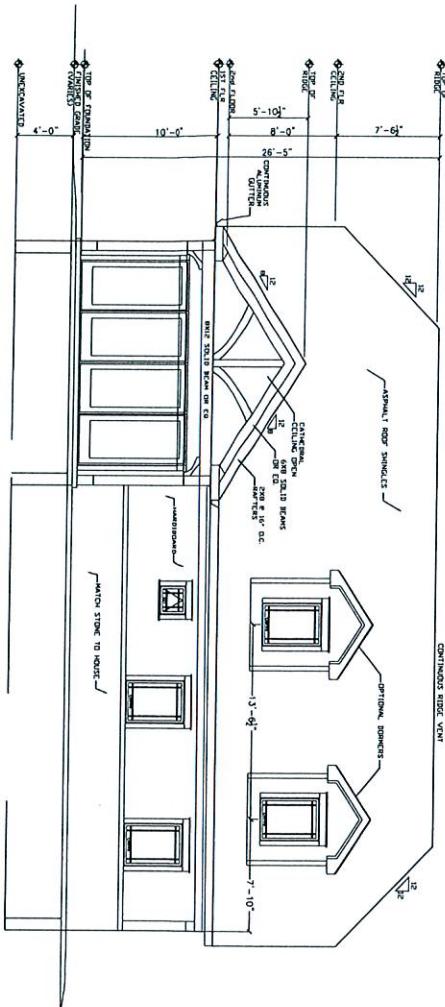
Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

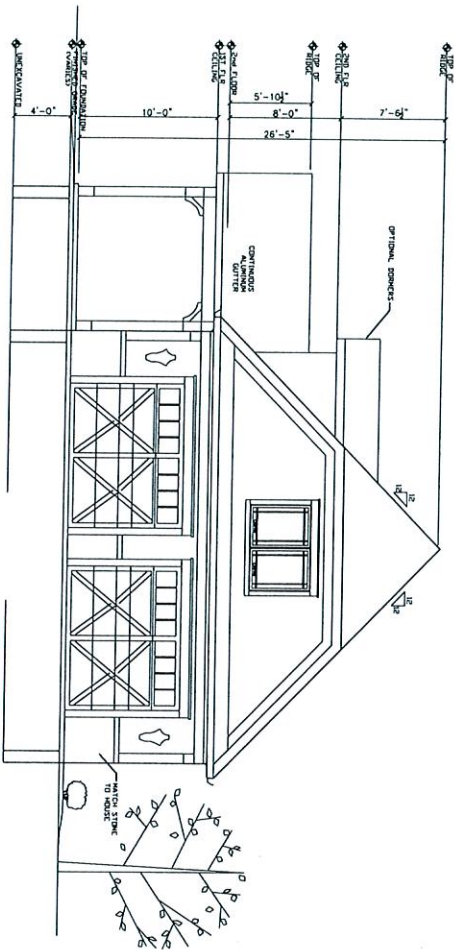
Approved ☐
Rejected ☐ by on 20
Approved ☐
Rejected ☐ by on 20
Published (Attach Clipping) on 20
Hearing Held by on 20

Final Action Taken

Approved ☐
Rejected ☐ by on 20
Published (Attach Clipping) on 20
Filed with Town Clerk on 20
Filed with County Clerk on 20



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION
SCALE: 1/4" = 1'-0"

THIS DOCUMENT, SUBMITTED FOR THE
CONSTRUCTION OF THE HOUSE, IS THE
PROPERTY OF THE ARCHITECT. IT IS TO
BE USED ONLY FOR THE PROJECT AND NOT
TO BE REPRODUCED OR TRANSMITTED IN
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NO LIABILITY FOR ANY DAMAGE, LOSS,
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IMPLIED BY A WRITTEN AGREEMENT.
ARCHITECT: C. ALBERTO REYES

NOT FOR
CONSTRUCTION

DATE: MONTH DAY 2015

WE REQUESTED ARCHITECT SERVICES
FOR THE DESIGN AND CONSTRUCTION
OF THE HOUSE. THE ARCHITECT HAS
DESIGNED THE HOUSE AND THE
CONSTRUCTION DOCUMENTS. THE
ARCHITECT HAS NOT INSPECTED THE
CONSTRUCTION OF THE HOUSE AND
DOES NOT GUARANTEE THE
CONSTRUCTION DOCUMENTS ARE
COMPLETELY CORRECT.

KEB ARCHITECTURE

328 Nicola Drive
Whispering Willows, NY 14554
Telephone (716) 214-4165



9159 Main Street
Canton, New York 14021
Telephone (716) 664-3318

NATILE
POOL HOUSE

918 HERRARD LANE
CANTON CENTER, NY 14022

NOTES & REVISIONS:
SEPT 10, 2015, DESIGN REVIEW

PROJECT NO.:	SCALE:
154046	AS NOTED
DRAWN BY:	CHECKED BY:
OL	KCB
DRAWING TITLE:	

BUILDING ELEVATIONS

Drawing No.
A-2.0

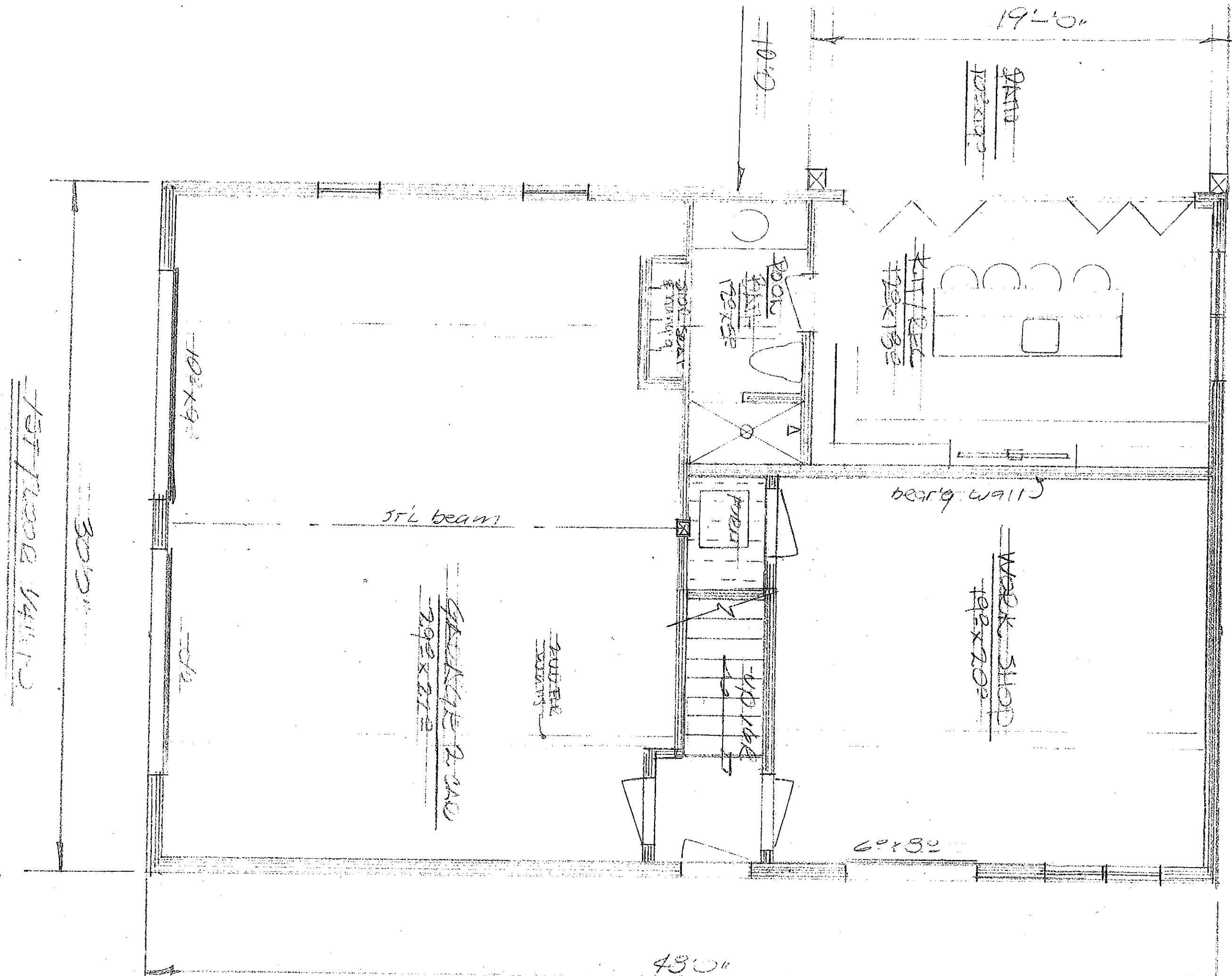


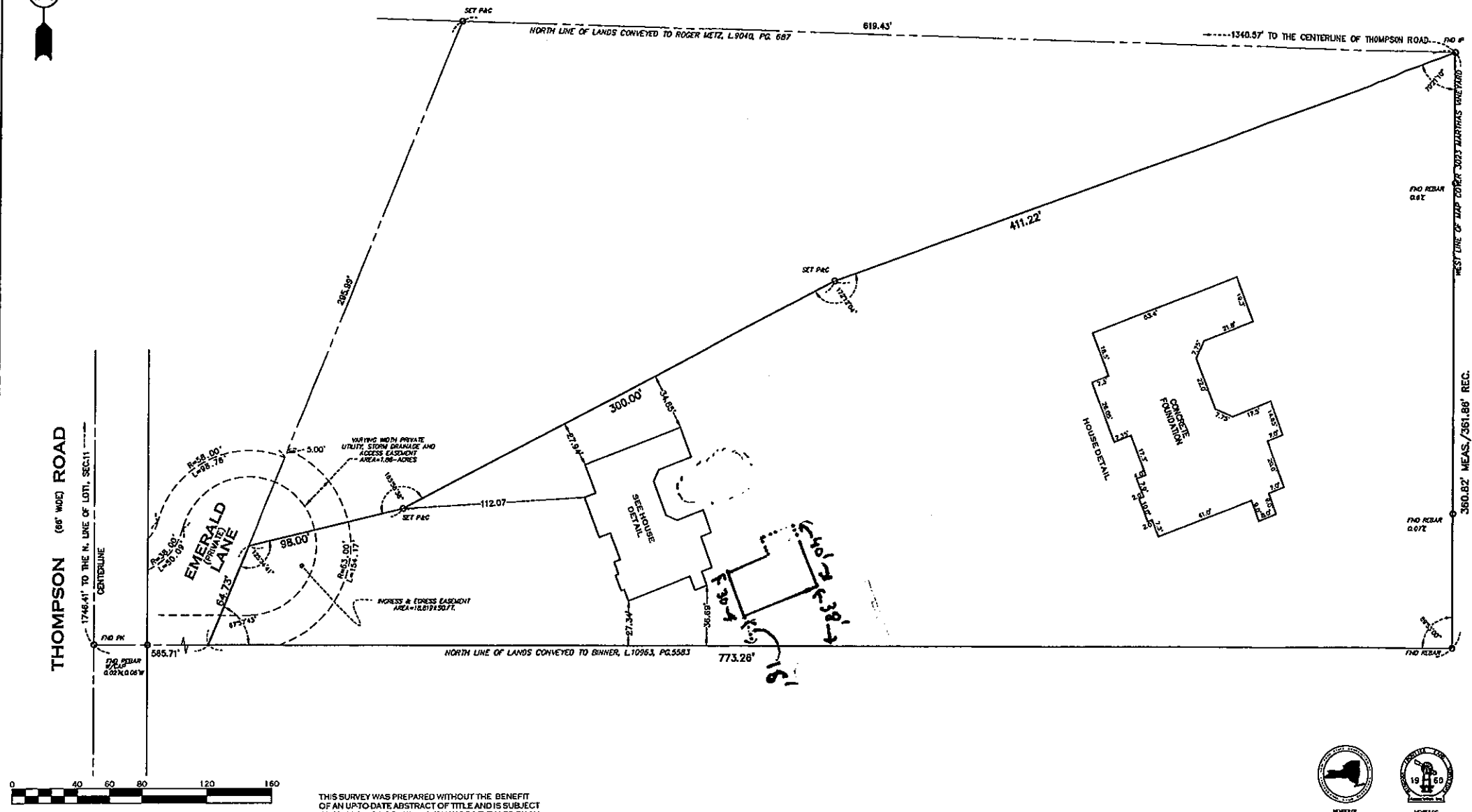
* note the parcel lines displayed are approximate

9312 Emerald Lane

Proposed 1,630 sq. ft. 26.5' tall detached accessory structure







1
DRAWING SCALE: 1"=40'
WSA PROJECT NO. 05335

TOWN OF CLARENCE
COUNTY OF ERIE, STATE OF NEW YORK
PART OF LOT 1, SEC. 11, TWP. 12, RGE. 6
HOLLAND LAND COMPANY'S SURVEY

9312 EMERALD LANE
FOUNDATION SURVEY

ENGINEERING
LAND SURVEYING
WM. SCHUTT & ASSOCIATES, P.C.
37 CENTRAL AVE.
LANCASTER, NY 14086-2143
PH. 716-683-5951
FAX 716-683-0159
WWW.WMSCHUTT.COM
SUSTAINING MEMBER - THE NEW YORK STATE
SOCIETY OF PROFESSIONAL ENGINEERS

ONLY COPIES FROM THE ORIGINAL OF
THIS SURVEY MAP MARKED WITH AN
ORIGINAL OF THE LAND SURVEYOR'S
EMBOSSSED SEAL AND SIGNATURE SHALL BE
CONSIDERED TO BE VALID TRUE COPIES.

DESIGNED BY:
DRAWN BY: GCW/AJT
CHECKED BY: GCW
DATE: 09/13/05

WARNING:
ALTERING THIS DOCUMENT IS IN VIOLATION OF
THE LAW EXCEPTING AS PROVIDED IN SECTION
7029, PART 2 OF THE NEW YORK STATE
EDUCATION LAW. ©COPYRIGHT 2005
WM. SCHUTT & ASSOCIATES P.C.

DRAWING REVISIONS		
ITEM	DATE	DESCRIPTION
1	02/21/08	REVISED LOT SIZE
2	03/22/08	FOUNDATION LOCATION

RECEIVED

SEP 14 2005

OFFICE

Correct

**REQUEST FOR
ACTION BY:****TOWN OF CLARENCE, N.Y.**

- ☒ Appeal Board
☐ Planning Board
☐ Town Board

- ☒ Appeal
☐ Rezone
☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Jonathan BleuerDate September 30, 2015**Action Desired** Applicant requests a variance of:

A) 3.7' to allow for a 8.8' side yard setback for the construction of an attached garage

B) 5' to allow for a 20' rear yard setback for an addition to the principle structure located at 4054 Foxwood Lane in the Residential Single-Family zone.

Reason Town Code Reference:§229-52 (B)§229-55 (C) *Map Covered Rear Yard Setback of 25'**PLEASE PRINT****Name** Sandy Summers**Address** 4054 Foxwood LaneWilliamsville NY 14221**Town/City** 810-9699 **State** **Zip** **Signed** SIGNATURE ON FILE

Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

Approved ☐ _____ on _____ 20____
Rejected ☐ by _____ on _____ 20____
Approved ☐ _____ on _____ 20____
Rejected ☐ by _____ on _____ 20____

Published (Attach Clipping) _____ on _____ 20____

Hearing Held by _____ on _____ 20____

Final Action Taken

Approved ☐ _____ on _____ 20____
Rejected ☐ by _____ on _____ 20____

Published (Attach Clipping) _____ on _____ 20____

Filed with Town Clerk _____ on _____ 20____

Filed with County Clerk _____ on _____ 20____



* note the parcel lines displayed are approximate

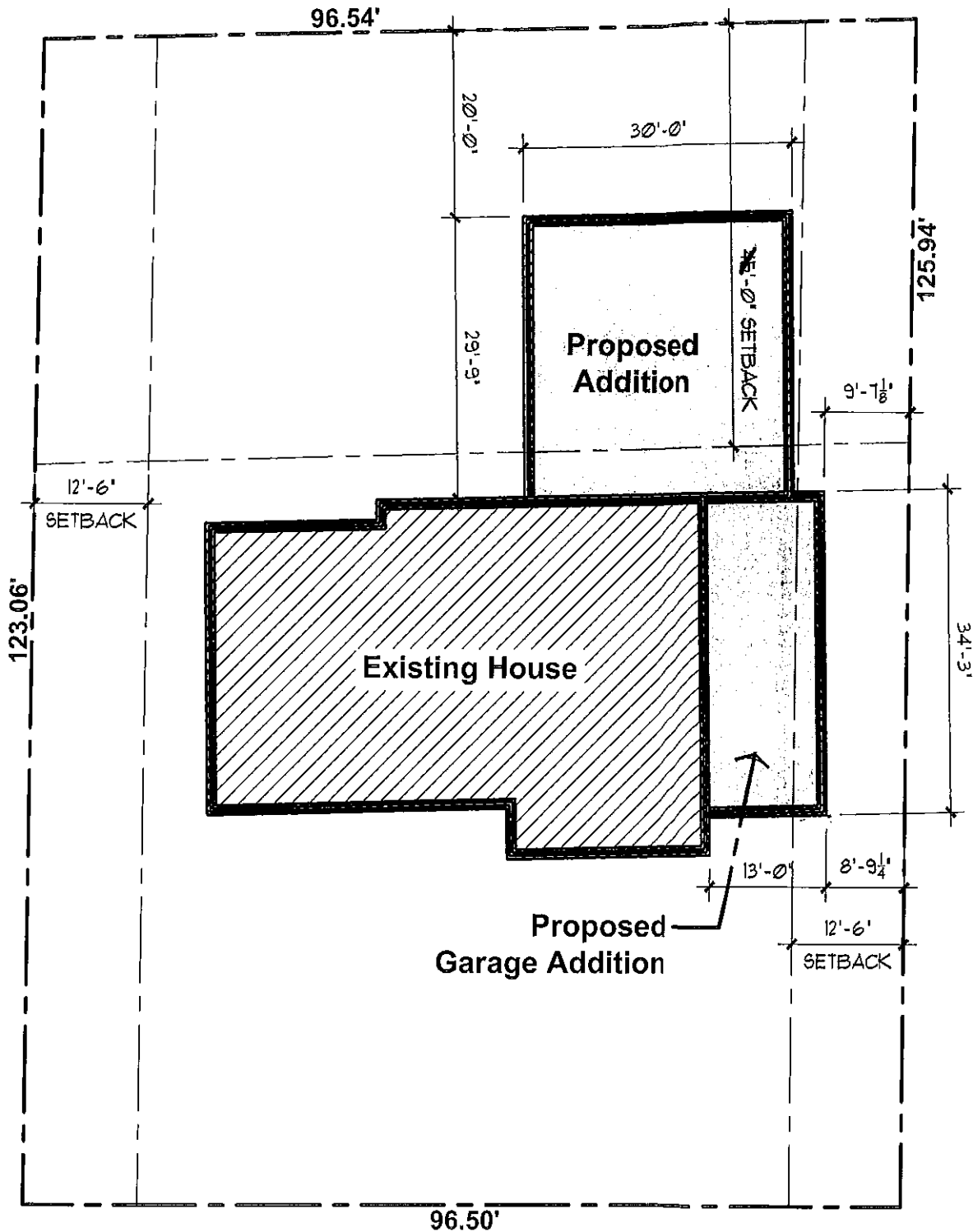
4054 Foxwood Lane

Proposed 20' rear yard setback to allow
for addition to principle structure.

Proposed 8.8' side yard setback to allow
for an addition to the garage



25' rear setback as called out on Map Cover # 2967



Foxwood Lane
New Site Plan

Scale:

1/16" = 1'-0"

